IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE EIGHTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 7823 of 2005

Between:

K.N. Raju, S/o. Narsimulu,
R/o. Khammam, Khammam District.

..... PETITIONER

AND

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1 The Regional Manager, APSRTC, Khammam Region,

Khammam District.
2 The Divisional Manager, APSRTC, Khammam Division,

Khammam District.
3 The Depot Manager, APSRTC, Badrachalam Bus Depot,

Khammam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order, direction or writ more particularly one in the nature of Writ of Mandamus declaring the action of the 3rd respondent in issuing the Proceedings No. DM/BCMO.O No.E1/2 (27)/94-BCM Dt. 6-3-1995 as illegal, arbitrary and unjust and consequently set aside the proceedings Proceeding No. DM/BCMO.O NO. E1/2 (27)/94-BCM Dt. 6-3-1995 issued by the 3rd respondent.

Counsel for the Petitioner: MR.G.RAVI MOHAN

Counsel for the Respondents: SMT.P.RAJANI REDDY

The Court at the admission stage made the following :

ORDER:

Questioning the action of the 3rd respondent in issuing the Proceedings No.

DM/BCMO.O No.E1/2 (27)/94-BCM Dt. 6-3-1995 as illegal, arbitrary and unjust and consequently set aside the proceedings Proceeding No. DM/BCMO.O NO. E1/2 (27)/94-BCM Dt. 6-3-1995 issued by the 3rd respondent, the petitioner filed the present writ petition.

Mr. G. Ravi Mohan, learned counsel appearing for the petitioner contended that without conducting any enquiry, major penalty has been imposed on the petitioner and therefore, the impugned proceedings are liable to be set aside.

On the other hand, learned Standing Counsel appearing for the respondents contended that the penalty was imposed in the year 1995 and therefore, there are no grounds to interfere with the impugned proceedings.

For certain irregularities said to have been committed by the petitioner, a charge sheet dated 16-1-1995 was issued to him and he gave an explanation. As the explanation was not satisfactory, the disciplinary authority imposed a major penalty of postponement of annual increment for one year with cumulative effect.

Imposing a major penalty without conducting regular departmental enquiry cannot be sustained under law. Admittedly, no regular departmental enquiry was conducted in this case. Though it is a matter to be remitted to the Disciplinary authority for passing appropriate orders, the learned counsel appearing for the petitioner requested this court to modify the major penalty imposed by the second respondent to that of a minor penalty. As the alleged irregularities have taken place in the year 1995, at this point of time, it is not desirable to remit back the matter to the Disciplinary Authority for conducting any regular departmental enquiry and further more, the petitioner has requested to impose a minor penalty. Therefore, the penalty can be modified in view of the peculiar facts and circumstances of the case.

In the result, the writ petition is disposed of modifying the penalty of postponement of one annual increments with cumulative effect to that of postponement of one annual increment without cumulative effect. By virtue of this order petitioner is not entitled to any monetary benefits. In the circumstances, no costs.

K.C. Bhanu, J.

8th April 2005

js.

To

1 The Regional Manager, APSRTC, Khammam Region,

Khammam District.
2 The Divisional Manager, APSRTC, Khammam Division,

Khammam District.
3 The Depot Manager, APSRTC, Badrachalam Bus Depot,

Khammam District.

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